

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

PARKER PELHAM, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

VBIT TECHNOLOGIES CORP., VBIT MINING
LLC, VBIT DC CORP., ADVANCED MINING
GROUP, DANH CONG VO A/K/A DON VO,
PHUONG D VO A/K/A KATIE VO, SEAN TU, JIN
GAO, LILLIAN ZHAO, AND JOHN DOE
INDIVIDUALS 1-10, AND DOE COMPANIES 1-
10,

Defendants.

No.: 23-cv-162-CFC-SRF

CLASS ACTION

AFFIDAVIT IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT

REQUEST TO THE CLERK OF COURT TO ENTER DEFAULT

I, Ha Sung (Scott) Kim, declare under penalty of perjury that the following facts are true and correct to the best of my information and belief:

1. I am an attorney admitted to practice law in the State of New York and *pro hac vice* before this court. I am an attorney with The Rosen Law Firm, P.A., lead counsel for Lead Plaintiff Alisha McKellar (“Lead Plaintiff” or “Ms. McKellar”) and the class. I have personal knowledge of the facts and matters set forth herein and, if called to testify, I could and would testify competently thereto.

On February 13, 2023 a Class Action Complaint was filed against VBit Technologies Corp., VBit Mining LLC, Advanced Mining Group, Danh Cong Vo a/k/a Don Vo, Sean Tu, and Lillian Zhao, as well as Phuong D. Vo and Jin Gao for breaching §§5, 12(a)(1), and 15 of the Securities Act of 1933 (“Securities Act”) and §§10(b) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”) in connection with the sale of unregistered securities. On July 29, 2024, an amended complaint was filed which, *inter alia*, added VBit D.C. Corp. as a defendant. D.I. 34.

2. On April 17, 2023, Ms. McKellar filed her Motion to be appointed Lead Plaintiff, and on July 5, 2023 Magistrate Judge Sherry R. Fallon issued an order appointing Ms. McKellar as Lead Plaintiff for the class and approving her choice of The Rosen Law Firm P.A. as Lead Counsel and Farnan LLP as Liaison Counsel.

3. On July 27, 2023, Lead Plaintiff effectuated service on Defendant VBit Technologies Corp. D.I. 18 at 12. The deadline for Defendant VBit Technologies Corp. to answer or otherwise respond to the Complaint was August 17, 2023.

4. On July 27, 2023, Lead Plaintiff effectuated service on Defendant VBit Mining LLC. *Id.* at 10. The deadline for Defendant VBit Mining LLC to answer or otherwise respond to the Complaint was August 17, 2023.

5. On July 30, 2024, Lead Plaintiff effectuated service on Defendant VBit D.C. Corp. D.I. 38. The deadline for Defendant VBit D.C. Corp. to answer or otherwise respond to the Complaint was August 20, 2024.

6. On October 23, 2023, Lead Plaintiff effectuated service on Defendant Advanced Mining Group. D.I. 18 at 2. The deadline for Defendant Advanced Mining Group to answer or otherwise respond to the Complaint was November 13, 2023.

7. On July 27, 2023, Lead Plaintiff effectuated service on Defendant Danh Cong Vo a/k/a Don Vo (“Mr. Vo”). *Id.* at 4. The deadline for Mr. Vo to answer or otherwise respond to the Complaint was August 17, 2023.

8. On July 27, 2023, Lead Plaintiff effectuated service on Defendant Sean Tu (“Mr. Tu”). *Id.* at 8. The deadline for Mr. Tu to answer or otherwise respond to the Complaint was August 17, 2023.

9. On July 27, 2023, Lead Plaintiff effectuated service on Lillian Zhao (“Ms. Zhao”). *Id.* at 16. The deadline for Defendant Lillian Zhao to answer or otherwise respond to the Complaint was August 17, 2023.

10. More than twenty-one days have elapsed since VBit Technologies Corp., VBit Mining LLC, VBit D.C. Corp., Advanced Mining Group, Danh Cong Vo a/k/a Don Vo, Sean Tu, and Lillian Zhao (collectively, “Default Defendants”) were served, and Default Defendants have failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure.

11. In addition, the time period for Default Defendants to file a responsive pleading or otherwise take action with respect to this suit has not been extended or modified.

12. Upon information and belief, Default Defendants are not minors or incompetent persons.

13. Upon information and belief, Default Defendants are not currently in the military service.

14. Accordingly, Default Defendants are in default.



Ha Sung (Scott) Kim (*pro hac vice*)

Sworn to and subscribed before me
this 24th day of October 2024.



Notary Public
My commission expires
(NOTARY SEAL)

SARA FUKS
NOTARY PUBLIC-STATE OF NEW YORK
No. 02FU6320001
Qualified In New York County
My Commission Expires 3.2.27